

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 6296 of 2015 (J)

PETITIONER:

**E.P.ABDU RAHIMAN HAJI,
THIRURANGADI VILLAGE, THIRURANGADI TALUK,
MALAPPURAM DISTRICT-676306, MANAGING PARTNER,
ERAPARAMBAN TOURIST HOME, THIRURANGADI P.O.,
CHEMMAD, MALAPPURAM, KERALA.**

**BY ADVS.SRI.H.BADARUDDIN
SMT.B.SHAMEERA**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
MALAPPURAM-676505.**
- 2. DEPUTY TAHSILDAR, REVENUE RECOVERY,
KERALA FINANCIAL CORPORATION,
KOZHIKODE-673020.**
- 3. THE VILLAGE OFFICER, THIRURANGADI VILLAGE,
MALAPPURAM DISTRICT - 676 306.**
- 4. THE KERALA FINANCIAL CORPORATION,
THIRURANGADI, MALAPPURAM-676306.**
- 5. E.P.UMMER HAJI,
S/O.ERAPARAMBAN MOHAMMED HAJI,
ERAPARAMBAN HOUSE, CHERUMUKKU P.O.,
NANNAMBRA VILLAGE, THIRURANGADI,
MALAPPURAM-676306.**
- 6. E.P.HUSSAIN,
S/O.ERAPARAMBAN MOHAMMED HAJI,
ERAPARAMBAN HOUSE, CHERUMUKKU P.O.,
NANNAMBRA VILLAGE, THIRURANGADI,
MALAPPURAM-676306.**

WP(C).No. 6296 of 2015 (J)

7. E.P.ABOOBACKER,
S/O.ERAPARAMBAN MOHAMMED HAJI,
ERAPARAMBAN HOUSE, CHERUMUKKU P.O.,
NANNAMBRA VILLAGE, THIRURANGADI,
MALAPPURAM-676306.
8. E.P.ABDUL KADER,
S/O.ERAPARAMBAN MOHAMMED HAJI,
ERAPARAMBAN HOUSE, CHERUMUKKU P.O.,
NANNAMBRA VILLAGE, THIRURANGADI,
MALAPPURAM-676306.
9. E.P.SHAMSUDEEN,
S/O.ERAPARAMBAN MOHAMMED HAJI,
ERAPARAMBAN HOUSE, CHERUMUKKU P.O.,
NANNAMBRA VILLAGE, THIRURANGADI,
MALAPPURAM-676306.

R1 TO R3 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA
R4 BY ADV. SRI.MOLLY JACOB, SC
BY SRI.T.V.GEORGE, SC
R5,R6 & R8 BY ADVS. SRI.ESM.KABEER
SRI.M.S.JAYAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: TRUE COPY OF THE PARTNERSHIP DEED EXECUTED ON 12.1.2007.
- P2: TRUE COPY OF THE CERTIFICATE ISSUED BY THE 4TH RESPONDENT SANCTIONING THE LOAN BEARING NO.070125310, 070125311/569/2008 DT.11.07.2008.
- P3: TRUE COPY OF THE PROVISIONAL STATEMENTS OF ACCOUNTS OF THE 10TH RESPONDENT FIRM FOR THE LOANS BEARING NOS.070125310, 11, 12 FURNISHED TO THE PETITIONER BY THE 4TH RESPONDENT ON 24.2.2015.
- P3(A): TRUE COPY OF THE CASH RECEIPT DT.15.10.2014 ISSUED BY THE 4TH RESPONDENT IN THE NAME OF THE 10TH RESPONDENT PARTNERSHIP FIRM.
- P4: TRUE COPY OF THE DEMAND NOTICE PRIOR TO ATTACHMENT OF LAND IN FORM 10 DT.16.1.2015.
- P4(A): A TRUE COPY OF THE DEMAND NOTICE UNDER SECTION 7 IN FORM 1 DT.16.1.2015.
- P5: TRUE COPY OF THE RECEIPT FOR PAYMENT OF RS.27.50 LAKHS TO THE SUSPENSE ACCOUNT ON 24.1.2015.

RESPONDENTS' EXHIBITS & ANNEXURES:

- ANNEXURE 1 : TRUE COPY OF THE PROVISIONAL STATEMENT OF ACCOUNT IN RESPECT OF THE LOAN FROM 1.4.2007 TO 12.3.2015.
- ANNEXURE 2 : TRUE COPY OF THE PROVISIONAL STATEMENT OF ACCOUNT IN RESPECT OF THE SAID LOAN FROM 1.2.2008 TO 12.3.2015.
- ANNEXURE 3 : TRUE COPY OF THE PROVISIONAL STATEMENT OF ACCOUNT IN RESPECT OF THE SAID LOAN FROM 1.10.2011 TO 12.3.2015.
- ANNEXURE 4 : TRUE COPY OF THE PROVISIONAL STATEMENT OF ACCOUNT IN RESPECT OF THE SAID LOAN FROM 1.3.2007 TO 12.3.2015.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.6296 of 2015

Dated this the 10th day of July, 2015

J U D G M E N T

The petitioner, a defaulter to the 4th respondent, has approached this Court to settle the entire liability within six months.

2. The petitioner's case is that, he is prepared to settle the entire liability by effecting private sale. If the property is sold in public auction, it will not fetch the price required for discharging the entire liability. It is also stated that, sale of only a portion of the property will be sufficient for discharging the entire liability towards 4th respondent.

3. The learned Standing Counsel for the Kerala Financial Corporation submits that, the total liability is ₹2,79,36,296/-.

4. Considering the facts and circumstances of the case, the petitioner is given four months time from today to discharge the entire liability. Coercive proceedings against the petitioner shall be deferred in tune with the above direction. If the petitioner fails to honour the time stipulation, the Corporation is free to proceed against the petitioner.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.